

JERRY DRYE,
Plaintiff,

v.

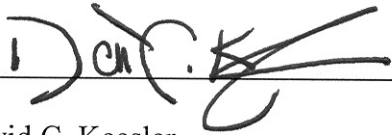
BANKERS LIFE AND CASUALTY
CO., et al.,

Defendants

THIS MATTER IS BEFORE THE COURT on the “Defendants’ Joint Motion to Dismiss the Third, Fourth and Sixth Cause of Action of the First Amended Complaint” (Document No. 10), filed August 15, 2005 by Bankers Life and Casualty Company, Hans Scheil and William Baylog; and the “Plaintiff’s Second Motion to Remand to State Court and Memorandum in Support Thereof” (Document No. 13), filed August 29, 2005 by Jerry Drye. On October 12, 2005, the Court was notified by counsel for Mr. Drye that the case had been settled and that a stipulation of dismissal would be filed shortly. The Court subsequently entered an Order (Document No. 19), which denied the Motions as moot. On October 13, 2005, the Court was notified by counsel for Mr. Drye that he had mistakenly given the Court the wrong case number. Accordingly, the Court will withdraw the Order.

IT IS, THEREFORE, ORDERED that the Order (Document No. 19) is **WITHDRAWN**. The Clerk of Court is asked to ensure that the docket reflects that “Defendants’ Joint Motion to Dismiss the Third, Fourth and Sixth Cause of Action of the First Amended Complaint” (Document No. 10) and the “Plaintiff’s Second Motion to Remand to State Court and Memorandum in Support Thereof” (Document No. 13) are both pending motions.

Signed: October 13, 2005



David C. Keesler
United States Magistrate Judge

